

**SERC Meeting**  
**May 11, 2005**  
**1:00 pm**

Rudy Raynes began the meeting at 1:02 pm, a quorum was present, for those in attendance see attached roster. The minutes of March 3, 2005, were reviewed. Rudy Raynes asked for corrections, deletions or additions. *Jim Riggs moved to approve the minutes. Giles Watson seconded. Motion passed.*

**Old Business**-Discussion of the previously submitted legislation. Opposition by IOGA (Independent Oil and Gas Association) is continuing and our legislation did not pass. The legislation not only would raise fees but also "cleans up" language in the document, corrected titles for commission members and lepc members. Rudy Raynes suggested the legislation be broken into two separate pieces of legislation; 1) fees & 2) corrective language. Mr. Raynes will have Ms. Morris look into that possibility.

**SERC By-Laws** - Reviewed SERC By-laws page by page, changes were made and the updated information will be submitted at the July 13, 2005 meeting for commission review. The West Virginia Office of Emergency Services name was replaced in several places by the new name: Division of Homeland Security and Emergency Management. There was considerable discussion on what a majority constitutes, whether a simple majority or a majority should be standard in the by-laws. It was determined a definition should be included in the definition section to prevent confusion at a later time. The commission tabled the discussion pending information from various sources including "Roberts Rules of Order". Mr. Raynes suggested Ms. Morris also review the document because she is also a lawyer.

**2005 HMEP Grant** -Reviewed grant expenditures from HMEP for the following LEPCs have received funds: Jefferson \$1250, Lewis/Upshur \$6000, Marion \$1000 and Wood \$1250. Several LEPCs have progress reports due and notification has been sent to those LEPCs. A HMEP grant sub-committee will need to be formed at the July meeting to review 2006 grant applications. The Commission needs to vote to permit someone (Ms. Morris or Mr. Raynes) to apply for the 2006 HMEP Grant, the grant is due back to US DOT by 1 July 2005. *Giles Watson made a motion to allow either Ms. Christy Morris or Mr. Rudy Raynes to represent the WV SERC and apply for the 2006 HMEP Grant. Jim Riggs seconded. Motion passed.*

**SERC Grants**-Reviewed grant expenditures from SERC for the following LEPCs: Jackson, Kanawha/Putnam, McDowell and Raleigh all received \$500. Randolph LEPC is awaiting a signature in blue ink. No grant documents can be processed with black ink, this is a requirement from Admin. Copies of grant deadlines were email, faxed and mailed to all LEPCs, and OES Directors.

**Plan Reviews** -None

**LEPC Membership Approvals** -Gilmer, Kanawha/Putnam, Randolph have complete membership lists and are submitted for approval. McDowell and Raleigh are each missing one category - local environmental and media respectively. *Jim Riggs moved to approve Gilmer, Kanawha/Putnam and Randolph county LEPC membership lists. Alan Abbott seconded. Motion passed.* McDowell and Raleigh are tabled.

**By-Laws** - Braxton and Roane LEPCs submitted by-laws for review; both are revisions. Jim Riggs suggested tabling the by-laws until signature pages are received. Rudy Raynes tabled the by-laws pending signature pages.

**Training Subcommittee** - Jim Cox reported the RESA's have expended 80% of their HMEP training funds and are expected to expend all funds within the allotted time. Many of the RESA's are including NIMS (National Incident Management Systems) in this years curriculum because of the new requirement from FEMA & DHS.

**SERC Conference** - Mr. Watson suggested the commission begin discussing the 2006

conference immediately. Due to the monetary limitations it may be appropriate to conduct a conference every other year. Mr. Watson suggested a sub-committee be formed shortly to begin the effort on the 2006 conference.

**Treasurer's Report** - January, Feb, March reports are included, modifications are needed, several formula fields in the report are not functioning. April information has been included but not in the correct format. Laverne will correct the information and resubmit to the commission.

**New Business** -Ms. Morris reported on the current situation of a single engine plane flying in the restricted airspace near the White House, Washington, DC. Apparently the pilot was lost, he has been removed from the restricted area and the all clear for the capitol has been given.

CERCLA Grants have been awarded to the WV SERC, the 2004 grant was originally scheduled to be expended on the 2005 SERC Conference, however, since the conference has been cancelled the commission needs to make modifications to the request. The 2004 CERCLA grant period runs from August 2004 to August 2005. WV SERC has also been awarded a 2005 CERCLA grant period runs from May 05 to April 06. The 2005 was awarded to attend the US EPA conference in Baltimore, December 4-7, 2005 and for attendance at LEPC meetings throughout the state. If funds for the 2004 grant are not to be utilized the WV SERC needs to notify FEMA as soon as possible so those funds can be re-allocated.

IOGA continues to request information concerning the WV fee structure. They have requested utilizing FOIA, fee information from 2004 & 2005 on all facilities within West Virginia. The requested information was provided to IOGA within the required 5 day time frame stipulated by law. Mr. Spears (Cabinet Secretary Department of Military Affairs & Public Safety) was also contacted by IOGA with the request to reduce their fees and reporting requirements. Laverne met with Mr. Spears and he requested a position paper on the issue. There was considerable discussion on IOGA's attempt to circumvent the SERC and their continued efforts to reduce their state and federal requirements. Currently facilities in West Virginia pay between \$25 up to \$100 per facility, Oil and Gas facilities pay an average of \$6.47 per site. West Virginia ranks among the lowest 10% of states in the country who require fees. Discussion centered on federal and state requirements and the fact the commission has already received an opinion from the Attorney General Office concerning the commissions efforts to require all facilities to abide by state and federal regulations. The Attorney General Office's minor recommendations have been implemented. The position paper was submitted for review to Ms. Morris on 6/13/05. Mr. Riggs stated oil and gas companies create significant damage to roads and bridges throughout West Virginia, forcing tax payers to supplement their businesses. Mr. Raynes and Mr. Watson stated they believed there was more to the situation and they would make arrangements to meet with Ms. Morris to discuss the situation since both of them have met with IOGA on several occasions.

Mr. Wolford discussed the upcoming exercise: Operations Cardinal, an event very similar to a Topp Off exercise. The event will run 30 days and will, during that time period exercise each federal and state entity involved in a potential terrorist incident.

*Denny McGann moved to adjourn, Jim Riggs seconded, Motion passed.*

Meeting ended at 2:05. **The next scheduled meeting will be September 14<sup>th</sup> 2005, at 1:00 pm at the EOC in charleston at the capitol complex.**

#### **Schedule of next meetings**

<b>Sep 14<sup>th</sup></b>	<b>1:00 pm</b>
<b>Nov 9<sup>th</sup></b>	<b>1:00 pm</b>